

# LEGISLATION 'OF INTEREST'

FOR CONSIDERATION IN THE

## 2014 Regular Legislative Session



Louisiana House of Representatives  
House Legislative Services  
March, 2014

# 2014 Regular Session, the details

- Session convenes at noon on Monday, March 10<sup>th</sup>, 2014.
- A “general” session; however, no matters involving state taxes or tax credits can be heard.
- Length of session cannot exceed 60 meeting days during an 85 day period and must adjourn by 6:00 p.m. on Monday, June 2<sup>nd</sup>, 2014.

## Session Dates

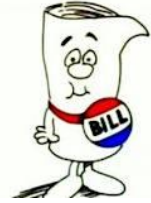


- 1575 House and Senate Bills have been prefiled, and each member can file an additional 5 bills.
- There are 56 proposed constitutional amendments.
- Bills, as well as committee agendas, live broadcasts, and more can be found at the Louisiana Legislature's website, [www.legis.la.gov](http://www.legis.la.gov).

## House and Senate Bills, Pre-filed



# The State Operating Budget



State General Fund Revenues are projected to increase by less than 2.5% per year for the foreseeable future.

The Governor submitted a \$24.9 Billion budget for FY 14-15, which is down from last year's \$25.4 Billion budget (mostly due to a reduction of federal funds).

Executive budget addresses a \$605 Million State General Fund projected budget shortfall for continuation needs.

Proposed budget provides new funding for the developmentally disabled, economic development, education, the elderly, state libraries, and CODOFIL.

Some lawmakers are expressing concern about the governor's use of nonrecurring funds and various other financing methods.

# Other Fiscal Bills Filed to ....



Provide relative to public contracts by imposing additional content, oversight, approval, and reporting requirements.

Require additional reporting and compliance from non-state entities, including non-governmental organizations (NGO), that receive state dollars.

Provide for the merger of the functions of the office of contractual review and the office of state purchasing.

Propose changes to the format and timing of the state budget, including what information is contained therein and when the legislature receives the budget.

Propose the elimination or redirection of certain statutory dedications and funding mandates, as well as propose the addition of new dedications and funding mandates.

# Elementary & Secondary Education



## Common Core State Standards (CCSS)

- CCSS was developed by experts, educators, and others at the national level and adopted in 2010 by BESE. Currently, implementation of CCSS in Louisiana is ongoing and the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments are scheduled to be administered to students beginning in 2014.
- Prohibits or delays implementation of CCSS and related student assessments (PARCC).
- Permits local school systems to develop and implement their own standards in lieu of CCSS.

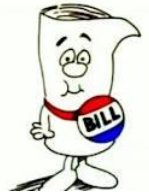
## Student Data Privacy Issues

- Prohibitions or limitations on the type of information to be collected and the storage and sharing of such information, disclosure requirements, and parental consent requirements ~ all as it relates to the protection of a student's right to privacy.

## Voucher Program, Teacher Evaluation, and Tenure

- Changes to various provisions of Act 1 of the 2012 Legislative Session, including teacher tenure, powers and duties of local school boards and superintendents, and salary schedules.
- Changes to the voucher program including additional categories of eligible students and requiring an accountability program for participating nonpublic schools.
- Changes to teacher evaluations, including requirements for the “value-added model” and effectiveness rating for teachers.

# Higher Education



## Taylor Opportunity Program for Students (TOPS)

- The Taylor Opportunity Program for Students (TOPS) is projected to grow nearly \$18 million in FY 14-15 and will continue to increase an additional \$20 million each subsequent year.
- Proposals to limit costs include increasing the academic standards required for students, converting TOPS into a loan repayment program, and varying the amount of TOPS scholarships based on a student's performance and grade level in college.
- Allowing use of TOPS for graduate school.

## Tulane Scholarships

- Prohibit certain related campaign contributions.
- Require disclosure of certain documents related to the award of scholarships.
- Change the nominating authority from legislators.

# Civil & Family Law



## Jury Trials

- Lowers the required dollar amount in controversy in order to be entitled to a civil jury trial.
- Proposes expedited jury trials, limiting the entire trial to three hours per side.

## Liability

- Authorizes the introduction of evidence of failure to wear a seatbelt and provides a reduction in award of damages if a preponderance of the evidence establishes that the plaintiff failed to wear a seatbelt at the time of the injury.

## Direct Action

- Limits an injured third party's right of direction action against an insurer to certain exceptions; in the absence of these exceptions, the injured third party must take legal action directly against the insured party.

## Birth Records and Surrogacy

- Authorizes the release of an adult adoptee's original birth certificate without the necessity of filing a motion to disclose the record.
- Prohibits genetic surrogacy contracts and provides for the enforceability of gestational surrogacy contracts.

# Criminal Matters



## Corrections Costs

- Recently, public interest has focused on the high cost of incarceration and the overall cost of the administration of criminal justice. Focus on this area has largely centered around the imposition of minimum mandatory sentences, lack of parole eligibility, and the use of longer prison sentences for non-violent offenders.

## Firearms

- Several pieces of legislation have been filed relative to firearms, including allowing a citizen to carry a concealed handgun without a permit, authorizing those who have permits to possess a concealed weapon in a restaurant that serves alcohol, allowing law enforcement officers to carry guns anywhere, and prohibiting civil seizure for debts owed.

## Expungement

- A comprehensive revision that will affect eligibility for expungement and provide for a uniform system for ordering expungements throughout the state.

## Human Trafficking

- With consistent legislation since 2005, most recently, focus has shifted to addressing the needs of trafficking victims and to enforcing prostitution-related laws against those persons who drive the demand for such services.



# Transportation



## Speed Enforcement

- Limits the types of citations that can be issued by automated speed enforcement systems; prohibits the use of speed enforcement devices on interstate highways; labels parishes or municipalities that receive more than 50% of their income from speed related traffic citations as “speed traps” and prohibits speed traps in the state; and sends fines and fees exceeding \$25 to the La. Highway Safety Fund.

## Driving Privileges

- Requires documentation of school attendance as a condition of a minor’s driving privileges; increases penalties for operating a vehicle without the required liability insurance; and, prohibits cell phone use by a person who holds a learner’s license or intermediate license.

## Federal Real ID Act of 2005

- Provides for the issuance of REAL ID compliant driver’s licenses and special ID cards and provides for driver’s licenses and special ID cards that are not compliant with the REAL ID Act.

# Health and Welfare



## **Affordable Care Act (ACA); for and against**

- Bills in support of the ACA include expanding Medicaid income eligibility and implementing Medicaid expansion through a program of premium assistance akin to the “Arkansas model”.
- Bills in opposition include a 3-year moratorium on implementation of the ACA, exempting Louisiana citizens from its mandates, and establishing a special fund to educate citizens on opting out of the ACA.

## **Medical Marijuana**

- Enacts the "La. Therapeutic Use of Marijuana Act" to facilitate the necessary licensing to prescribe, produce, and dispense therapeutic marijuana in Louisiana for residents with one of the following conditions, if resistant to conventional medical therapy: a seizure disorder, including epilepsy; multiple sclerosis; glaucoma; severe nausea or vomiting due to the administration of chemotherapy; or terminal cancer.

## **Telehealth Access**

- Provides for the delivery of healthcare services through a variety of modes known as telehealth, including an expanded definition of telemedicine to allow easier access to services and requiring insurance coverage for services provided via telehealth if otherwise covered.

# Insurance



## **“Balance Billing”**

- Restricts ability of healthcare providers to seek payment from patients of amounts not covered by out-of-network providers.

## **Motor Vehicle Safety Responsibility**

- Increases penalties for operating a motor vehicle without the required insurance.

## **Navigators**

- Provides for licensing and regulation of Affordable Care Act Navigators by the Department of Insurance.

# Commerce, Labor & Retirement



## **Payday Lending**

- Payday lending continues to be an area of concern across the country. Generally, these practices are believed to target and adversely affect vulnerable, low-income Americans. Bills introduced on this topic address the licensing and practices of these lenders.

## **Equal Pay and Minimum Wage**

- Equal Pay for Women - Prohibits a public employer from paying an employee at a rate less than the rate the employer pays an employee of the opposite sex for the same or similar work.
- Minimum wage - Requires establishing a state minimum wage and adjusting that wage periodically with inflation.

## **Retirement Benefits for Public Employees**

- Granting cost-of-living adjustment (COLA) for retirees and beneficiaries of state retirement systems.
- Strengthening the funding of state systems by changing how future COLAs are funded and dedicating a certain portion of system investment returns to debt payment.

# Governmental Affairs



## Campaign Finance

- Requires additional disclosure concerning certain campaign contributions and expenditures.
- Prohibits certain specific uses of campaign funds.

## Party Primary and Elections for Congress

- Provides for party primary elections for congressional elections; the party nominee in the primary is the party's candidate who receives the most votes in the primary election; candidates not affiliated with a recognized political party qualify directly for the general election; and, the candidate with the most votes in the general election wins.

## Use of Public Funds

- Prohibits the use of public funds to advocate relative to the public image of an official or agency and to oppose or support legislative action on the local and state levels.
- Limits the use of public funds for certain advertisements relative to proposition elections.

## Official Journals and Public Records

- Provides for publication of public notices on the Internet instead of in newspapers.
- Protects the personal information of individuals in the custody and control of public bodies, and provides for confidentiality of certain information.
- Provides that all records of the governor are public records; removes the deliberative process exemption for the records of the governor and allows certain communications and records between the governor and his top executive staff to remain privileged for up to 10 years.

# Natural Resources



## **RESTORE Act**

- Authorizes the legislative auditor to conduct audits of any state, local, or quasi-public entity that receives federal funds related to the Deepwater Horizon Oil spill, including funds from the RESTORE Act of 2012.

## **Coastal Lawsuits Against Oil & Gas Companies**

- Limits enforcement of coastal use permits to the secretary of DNR, through the Attorney General, and local governmental subdivisions.
- Requires local governmental subdivision to give notice to the alleged violator and to DNR prior to initiating or continuing an enforcement action. Further requires DNR to investigate and issue findings before any enforcement action can be taken or continues.

## **Legacy Lawsuits**

- Requires a stay in proceedings where a party admits liability until DNR files an evaluation or remediation plan to the court.
- Provides for an alternative dispute resolution process for legacy lawsuits.

# Other



## **Constitutional Convention**

- Calling for a constitutional convention to address fiscal issues.

## **Discrimination**

- Includes sexual orientation and gender identity or expression in various provisions prohibiting or describing discrimination.

## **Moldy Rental Property**

- Requires certification by landlords that rental properties are free of toxic mold.

## **Regulation of Food**

- Exempting from state regulations food prepared in the home for sale, and more limited exemptions for pies and cane syrup.
- Allowing sale of unpasteurized goat or cow milk or cheese and the sale of wine ice cream.
- Requiring labeling and disclosure of food products made from cloned animals or genetically engineered agricultural products.

## **Official State Book**

- Establishes as the official state book the oldest edition of the Holy Bible in the state museum.

# Constitutional Amendments



## **56 Constitutional Amendments, a few:**

- Several affecting K-12 education: abolishing BESE or making its members elected and requiring an elected superintendent of education.
- Several affecting higher education: setting qualifications for appointment to a higher education board, prohibiting the supplanting of state funds for tuition increases, and authorizing higher ed to establish own tuition and fees.
- Establishing a fundamental rights of parents.
- Redirecting gaming money to education and the state's retirement debt.
- Creating the Department of Elderly Affairs.
- Protecting certain funds from being 'swept'.
- Removing the mandatory retirement age of judges.

## **Constitutional Amendments for Voters' approval**

- During 2013 Regular Session, 8 constitutional amendments were proposed by the Legislature and will come before the voters on Nov. 4, 2014, along with those that are proposed during the 2014 Regular Session.